

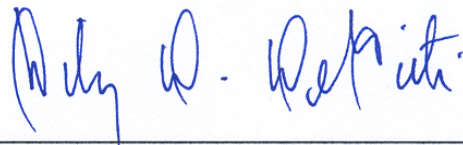
¹Effective February 14, 2013, Carolyn W. Colvin was named Acting Commissioner of the Social Security Administration. Pursuant to Fed. R. Civ. P. 25(d)(1), she is substituted for former Commissioner Michael J. Astrue as the defendant in this action.

The Court has reviewed the documentation submitted by Plaintiff and finds that the requested fee of \$5,837.20 represents a fair and reasonable fee for the work performed by Plaintiff's attorney in this case. The requested fee and applicable hourly rates are also consistent with Social Security regulations governing EAJA attorney fees.

As Defendant states, however, the EAJA fee must be paid directly to Plaintiff and not to her counsel. *Manning v. Astrue*, 510 F. 3d 1246, 1249-55 (10th Cir. 2007). Furthermore, if Plaintiff's counsel is ultimately granted attorney fees pursuant to 42 U. S. C. § 406(b), he must refund the smaller of the EAJA or the § 406(b) award to Plaintiff. *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

Accordingly, Plaintiff's Motion [Doc. 20] for approval of an EAJA attorney fee award in the amount of \$5,837.20 is GRANTED. Defendant is directed to pay that amount directly to Plaintiff, in accordance with the requirements of EAJA and the Tenth Circuit Court of Appeals. Defendant is further directed to mail the EAJA fee to Plaintiff in the case of Plaintiff's attorney as follows: c/o Timothy M. White, 7906 East 55th Street, Tulsa, OK 74145-7818.

IT IS SO ORDERED this 31st day of January, 2014.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE